

is deemed to have been taken or committed under the corresponding provision enacted by this Act.”

LEGISLATIVE CONSTRUCTION

Section 7(e) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, provided that: “An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of the caption or catchline thereof.”

PAY, ALLOWANCES, COMPENSATION, OR ANNUITY

Section 7(f) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, provided that: “The enactment of this Act does not increase or decrease the pay, allowances, compensation, or annuity of any person.”

SEPARABILITY

Section 7(g) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, provided that: “If a provision enacted by this Act is held invalid, all valid provisions that are separable from the invalid provision remain in effect. If a provision of this Act is held invalid in one or more of its applications, the provision remains in effect in all valid applications that are severable from the invalid application or applications.”

APPLICABILITY TO COMMISSIONED OFFICERS OF PUBLIC HEALTH SERVICE AND COAST AND GEODETIC SURVEY

Section 7(h) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 632, provided that: “Sections 1-6 of this Act shall be construed to apply to commissioned officers of the Public Health Service and commissioned officers of the Coast and Geodetic Survey [now the National Oceanic and Atmospheric Administration] to the same extent that the laws replaced by those sections applied to these officers immediately before the date of enactment of this Act [Sept. 6, 1966].”

REPEALS

Section 8(a) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 632, repealed the sections or parts thereof of the Revised Statutes or Statutes at Large codified in this title, except with respect to rights and duties that matured, penalties that were incurred, and proceedings that were begun, before Sept. 6, 1966, and except as provided by section 7 of Pub. L. 89-554.

Section 8(c) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 632, provided that: “The repeal of a law by this Act may not be construed as a legislative inference that the provision was or was not in effect before its repeal.”

CONTINUATION OF RIGHT TO DEFERRED ANNUITY

Section 8(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 632, provided that: “The right to a deferred annuity on satisfaction of the conditions attached thereto is continued notwithstanding the repeal of the law conferring the right.”

IMPROVEMENT OF UNITED STATES CODE BY PUB. L. 90-83; LEGISLATIVE PURPOSE; INCONSISTENT PROVISIONS; CORRESPONDING PROVISIONS; SAVINGS AND SEPARABILITY OF PROVISIONS

Section 9(a)-(g) of Pub. L. 90-83, Sept. 11, 1967, 81 Stat. 222, provided that:

“(a) The legislative purpose in enacting sections 1-8 of this Act is to restate, without substantive change, the laws replaced by those sections on the effective date of this Act. Laws effective after February 21, 1967, that are inconsistent with this Act are considered as superseding it to the extent of the inconsistency.

“(b) A reference to a law replaced by sections 1-8 of this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this Act.

“(c) An order, rule, or regulation in effect under a law replaced by sections 1-8 of this Act continues in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

“(d) An action taken or an offense committed under a law replaced by sections 1-8 of this Act is deemed to have been taken or committed under the corresponding provision enacted by this Act.

“(e) An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of the caption or catchline thereof.

“(f) The enactment of this Act does not increase or decrease the pay, allowances, compensation, or annuity of any person.

“(g) If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision of this Act is held invalid in one or more of its applications, the provision remains in effect in all valid applications that are severable from the invalid application or applications.”

PART I—THE AGENCIES GENERALLY

Chap.		Sec.
1.	Organization	101
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AMENDMENTS

1996—Pub. L. 104-121, title II, §253, Mar. 29, 1996, 110 Stat. 874, added item for chapter 8.

CHAPTER 1—ORGANIZATION

Sec.	
101.	Executive departments.
102.	Military departments.
103.	Government corporation.
104.	Independent establishment.
105.	Executive agency.

§ 101. Executive departments

The Executive departments are:

The Department of State.
The Department of the Treasury.
The Department of Defense.
The Department of Justice.
The Department of the Interior.
The Department of Agriculture.
The Department of Commerce.
The Department of Labor.
The Department of Health and Human Services.
The Department of Housing and Urban Development.
The Department of Transportation.
The Department of Energy.
The Department of Education.
The Department of Veterans Affairs.
The Department of Homeland Security.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378; Pub. L. 89-670, §10(b), Oct. 15, 1966, 80 Stat. 948; Pub. L. 91-375, §6(c)(1), Aug. 12, 1970, 84 Stat. 775; Pub. L. 95-91, title VII, §710(a), Aug. 4, 1977, 91 Stat. 609;

¹ Pub. L. 90-83 added section 500 to chapter 5 without making a corresponding change in Part analysis.

² Editorially supplied. Chapter 6 added by Pub. L. 96-354 without a corresponding amendment of Part analysis.

Pub. L. 96–88, title V, §508(b), Oct. 17, 1979, 93 Stat. 692; Pub. L. 100–527, §13(b), Oct. 25, 1988, 102 Stat. 2643; Pub. L. 109–241, title IX, §902(a)(1), July 11, 2006, 120 Stat. 566.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 1.	R.S. §158. Feb. 9, 1889, ch. 122, §1 (38th through 54th words), 25 Stat. 659. Feb. 14, 1903, ch. 552, §1 (83d through 99th words), 32 Stat. 825. Mar. 4, 1913, ch. 141, §1 (75th through 91st words), 37 Stat. 736. Aug. 10, 1949, ch. 412, §4 “Sec. 201(c)”, 63 Stat. 579. July 31, 1956, ch. 802, §1(a), 70 Stat. 732.
.....	5 U.S.C. 2.	R.S. §159.

The reference in former section 1 to the application of the provisions of this title, referring to title IV of the Revised Statutes, is omitted as unnecessary as the application of those provisions is stated in the text.

The statement in former section 2 that the use of the word “department” means one of the Executive departments named in former section 1 is omitted as unnecessary as the words “Executive department” are used in this title when Executive department is meant.

“The Department of Commerce” is substituted for “The Department of Commerce and Labor” on authority of the act of March 4, 1913, ch. 141, §1, 37 Stat. 736.

AMENDMENTS

2006—Pub. L. 109–241 inserted “The Department of Homeland Security.”

1988—Pub. L. 100–527 inserted “The Department of Veterans Affairs.”

1979—Pub. L. 96–88 substituted “Department of Health and Human Services” for “Department of Health, Education, and Welfare” and inserted “The Department of Education.”

1977—Pub. L. 95–91 inserted “The Department of Energy.”

1970—Pub. L. 91–375 struck out “The Post Office Department.”

1966—Pub. L. 89–670 inserted “The Department of Housing and Urban Development.” and “The Department of Transportation.”

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–527 effective Mar. 15, 1989, see section 18(a) of Pub. L. 100–527, set out as a Department of Veterans Affairs Act note under section 301 of Title 38, Veterans’ Benefits.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–88 effective May 4, 1980, with specified exceptions, see section 601 of Pub. L. 96–88, set out as an Effective Date note under section 3401 of Title 20, Education.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–375 effective within 1 year after Aug. 12, 1970, on date established therefor by Board of Governors of United States Postal Service and published by it in Federal Register, see section 15(a) of Pub. L. 91–375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by Pub. L. 89–670 effective Apr. 1, 1967, as prescribed by the President and published in the Federal Register, see section 16(a), formerly §15(a), of Pub. L. 89–670 and Ex. Ord. No. 11340, Mar. 30, 1967, 32 F.R. 5453.

SHORT TITLE OF 2007 AMENDMENT

Pub. L. 110–175, §1, Dec. 31, 2007, 121 Stat. 2524, provided that: “This Act [amending section 552 of this title and enacting provisions set out as notes under section 552 of this title] may be cited as the ‘Openness Promotes Effectiveness in our National Government Act of 2007’ or the ‘OPEN Government Act of 2007’.”

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109–435, title VIII, §801, Dec. 20, 2006, 120 Stat. 3249, provided that: “This title [enacting section 8909a of this title, amending sections 8334, 8348, and 8906 of this title, enacting provisions set out as notes under sections 8334, 8348, and 8909a of this title, and repealing provisions set out as a note preceding section 2001 of Title 39, Postal Service] may be cited as the ‘Postal Civil Service Retirement and Health Benefits Funding Amendments of 2006’.”

Pub. L. 109–356, §1(a), Oct. 16, 2006, 120 Stat. 2019, provided that: “This Act [amending sections 5102, 8951, 8981, and 9001 of this title, sections 202, 214, 215b, 216, 216a, 221, 321, and 1813 of Title 12, Banks and Banking, and section 57a of Title 15, Commerce and Trade] may be cited as the ‘2005 District of Columbia Omnibus Authorization Act’.”

SHORT TITLE OF 2004 AMENDMENTS

Pub. L. 108–496, §1, Dec. 23, 2004, 118 Stat. 4001, provided that: “This Act [enacting chapters 89A and 89B of this title, amending section 1005 of Title 39, Postal Service, and enacting provisions set out as a note under section 8951 of this title] may be cited as the ‘Federal Employee Dental and Vision Benefits Enhancement Act of 2004’.”

Pub. L. 108–469, §1(a), Dec. 21, 2004, 118 Stat. 3891, provided that: “This Act [amending sections 8351, 8432, 8433, 8439, and 8440a to 8440e of this title and enacting provisions set out as a note under section 8350 of this title] may be cited as the ‘Thrift Savings Plan Open Elections Act of 2004’.”

Pub. L. 108–411, §1(a), Oct. 30, 2004, 118 Stat. 2305, provided that: “This Act [enacting sections 4121, 5550b, 5753, and 5754 of this title, amending sections 4103, 4505a, 5302, 5304, 5305, 5314, 5334, 5361, 5363, 5365, 5377, and 6303 of this title, repealing former sections 5753 and 5754 of this title, enacting provisions set out as notes under sections 5304, 5363, 5550b, 5753, and 6303 of this title, and amending provisions set out as a note under section 5305 of this title] may be cited as the ‘Federal Workforce Flexibility Act of 2004’.”

Pub. L. 108–401, §1, Oct. 30, 2004, 118 Stat. 2255, provided that: “This Act [amending sections 591, 594, and 596 of this title] may be cited as the ‘Federal Regulatory Improvement Act of 2004’.”

Pub. L. 108–201, §1, Feb. 24, 2004, 118 Stat. 461, provided that: “This Act [enacting chapter 98 of this title, amending section 2473 of Title 42, The Public Health and Welfare, and enacting provisions set out as a note under section 2473 of Title 42] may be cited as the ‘NASA Flexibility Act of 2004’.”

SHORT TITLE OF 2003 AMENDMENTS

Pub. L. 108–196, §1, Dec. 19, 2003, 117 Stat. 2896, provided that: “This Act [enacting provisions set out as a note under section 3371 of this title] may be cited as the ‘Federal Law Enforcement Pay and Benefits Parity Act of 2003’.”

Pub. L. 108–123, §1, Nov. 11, 2003, 117 Stat. 1345, provided that: “This Act [amending section 5379 of this title] may be cited as the ‘Federal Employee Student Loan Assistance Act’.”

Pub. L. 108–44, §1, July 3, 2003, 117 Stat. 842, provided that: “This Act [enacting section 3114 of this title] may be cited as the ‘Accountant, Compliance, and Enforcement Staffing Act of 2003’.”

Pub. L. 108–18, §1, Apr. 23, 2003, 117 Stat. 624, provided that: “This Act [amending sections 8331, 8334, and 8348 of this title, enacting provisions set out as notes under sections 8334 and 8348 of this title and preceding section

2001 of Title 39, Postal Service, and repealing provisions set out as a note under section 8348 of this title] may be cited as the ‘Postal Civil Service Retirement System Funding Reform Act of 2003’.”

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-296, title XIII, §1301, Nov. 25, 2002, 116 Stat. 2287, provided that: “This title [enacting chapter 14 of this title, subchapter II of chapter 35 of this title, and section 3319 of this title, amending sections 1103, 3111, 3304, 3393, 3592 to 3594, 4107, 5307, 7701, 7905, 8336, 8339, 8414, and 8421 of this title, sections 1115 and 1116 of Title 31, Money and Finance, and section 1902 of Title 50, War and National Defense, repealing section 3393a of this title, enacting provisions set out as notes under sections 1103, 1401, 3301, 3521, 3592, 3593, and 8336 of this title, and repealing provisions set out as notes under sections 8336 and 8414 of this title] may be cited as the ‘Chief Human Capital Officers Act of 2002’.”

SHORT TITLE OF 2001 AMENDMENT

Pub. L. 107-27, §1, Aug. 20, 2001, 115 Stat. 207, provided that: “This Act [amending sections 8335 and 8425 of this title] may be cited as the ‘Federal Firefighters Retirement Age Fairness Act’.”

PROHIBITION AGAINST CONSTRUCTION THAT WOULD RENDER APPLICABLE TO THE DEPARTMENT OF TRANSPORTATION PROVISIONS OF LAW INCONSISTENT WITH PUB. L. 89-670 CREATING THE DEPARTMENT OF TRANSPORTATION

Section 10(c) of Pub. L. 89-670, which provided that the amendment made to this section by section 10(b) of Pub. L. 89-670 was not to be construed to make applicable to the Department any provision of law inconsistent with Pub. L. 89-670, was repealed by Pub. L. 104-287, §7(5), Oct. 11, 1996, 110 Stat. 3400.

§ 102. Military departments

The military departments are:

The Department of the Army.

The Department of the Navy.

The Department of the Air Force.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378.)

HISTORICAL AND REVISION NOTES

The section is supplied to avoid the necessity for defining “military departments” each time it is used in this title. See section 101(7) of title 10.

§ 103. Government corporation

For the purpose of this title—

(1) “Government corporation” means a corporation owned or controlled by the Government of the United States; and

(2) “Government controlled corporation” does not include a corporation owned by the Government of the United States.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378.)

HISTORICAL AND REVISION NOTES

The section is supplied to avoid the necessity for defining “Government corporation” and “Government controlled corporation” each time it is used in this title.

§ 104. Independent establishment

For the purpose of this title, “independent establishment” means—

(1) an establishment in the executive branch (other than the United States Postal Service or the Postal Regulatory Commission) which is not an Executive department, military de-

partment, Government corporation, or part thereof, or part of an independent establishment; and

(2) the Government Accountability Office.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 379; Pub. L. 91-375, §6(c)(2), Aug. 12, 1970, 84 Stat. 775; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 109-435, title VI, §604(b), Dec. 20, 2006, 120 Stat. 3241.)

HISTORICAL AND REVISION NOTES

The section is supplied to avoid the necessity for defining “independent establishment” each time it is used in this title.

Certain agencies are not independent establishments under the definition since they are constituent agencies or parts of an independent establishment. However, these agencies would continue to be subject to the provisions of this title applicable to the independent establishment of which they are a constituent or part. Also, the definition does not expand or abridge any rights or authority possessed by these agencies as no substantive changes are intended, see section 7(a) of the bill.

AMENDMENTS

2006—Par. (1). Pub. L. 109-435 substituted “Postal Regulatory Commission” for “Postal Rate Commission”.

2004—Par. (2). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

1970—Par. (1). Pub. L. 91-375 inserted “(other than the United States Postal Service or the Postal Rate Commission)” after “executive branch”.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by Board of Governors of United States Postal Service and published by it in Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

§ 105. Executive agency

For the purpose of this title, “Executive agency” means an Executive department, a Government corporation, and an independent establishment.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 379.)

HISTORICAL AND REVISION NOTES

The section is supplied to avoid the necessity for defining “Executive agency” each time it is used in this title.

CHAPTER 3—POWERS

Sec.	
301.	Departmental regulations.
302.	Delegation of authority.
303.	Oaths to witnesses.
304.	Subpenas.
305.	Systematic agency review of operations.
306.	Strategic plans.

AMENDMENTS

1993—Pub. L. 103-62, §11(a), Aug. 3, 1993, 107 Stat. 295, added item 306.

§ 301. Departmental regulations

The head of an Executive department or military department may prescribe regulations for the government of his department, the conduct